



General Assembly

Substitute Bill No. 5387

January Session, 2005

* HB05387JUD 041105 *

AN ACT CONCERNING THE INDEMNIFICATION OF STATE MARSHALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-141d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The state shall save harmless and indemnify any state officer or
4 employee, as defined in section 4-141, any state marshal and any
5 member of the Public Defender Services Commission from financial
6 loss and expense arising out of any claim, demand, suit or judgment
7 by reason of his alleged negligence or alleged deprivation of any
8 person's civil rights or other act or omission resulting in damage or
9 injury, if the officer, employee, state marshal or member is found to
10 have been acting in the discharge of his duties or within the scope of
11 his employment and such act or omission is found not to have been
12 wanton, reckless or malicious.

13 (b) The state, through the Attorney General, shall provide for the
14 defense of any such state officer, employee, state marshal or member
15 in any civil action or proceeding in any state or federal court arising
16 out of any alleged act, omission or deprivation which occurred or is
17 alleged to have occurred while the officer, employee, state marshal or
18 member was acting in the discharge of his duties or in the scope of his
19 employment, except that the state shall not be required to provide for
20 such a defense whenever the Attorney General, based on his

21 investigation of the facts and circumstances of the case, determines
 22 that it would be inappropriate to do so and he so notifies the officer,
 23 employee, state marshal or member in writing.

24 (c) Legal fees and costs incurred as a result of the retention by any
 25 such officer, employee, state marshal or member of an attorney to
 26 defend his interests in any such civil action or proceeding shall be
 27 borne by the state only in those cases where (1) the Attorney General
 28 has stated in writing to the officer, employee, state marshal or member,
 29 pursuant to subsection (b) of this section, that the state will not provide
 30 an attorney to defend the interests of the officer, employee, state
 31 marshal or member, and (2) the officer, employee, state marshal or
 32 member is thereafter found to have acted in the discharge of his duties
 33 or in the scope of his employment, and not to have acted wantonly,
 34 recklessly or maliciously. Such legal fees and costs incurred by [a state]
 35 such officer, [or] employee or state marshal shall be paid to [the] such
 36 officer, [or] employee or state marshal only after the final disposition
 37 of the suit, claim or demand and only in such amounts as shall be
 38 determined by the Attorney General to be reasonable. In determining
 39 whether such amounts are reasonable, the Attorney General may
 40 consider whether it was appropriate for a group of officers, employees,
 41 state marshals or members to be represented by the same counsel.

42 (d) The provisions of this section shall not be applicable to any
 43 [state] such officer, [or] employee or state marshal to the extent he has
 44 a right to indemnification under any other section of the general
 45 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	5-141d

JUD *Joint Favorable Subst.*